

Exhibit 4

Motion to Discontinue

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
GMAC MORTGAGE, LLC,

Hon. Betty O. Stinson (1)

Plaintiff,

Index No. 380678/12
NOTICE OF MOTION

-against-

TEDDY HALSTEAD, NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD; NEW YORK CITY PARKING VIOLATIONS
BUREAU; NEW YORK CITY TRANSIT ADJUDICATION BUREAU;
NEW YORK STATE DEPARTMENT OF TAXATION AND
FINANCE; "JOHN DOES" and "JANE DOES", said name being
fictitious, parties intended being possible tenants or occupants of
premises, and corporations, other entities or persons who claim, or may
claim, a lien against the premises

Defendants.
-----x

SIRS:

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Christopher Messina Esq.,
dated March 11 2013, the Notice of Pendency and Summons and Complaint in this action, filed
in the office of the County Clerk of the County of Bronx on June 21, 2012, the proofs of due
service thereof previously filed herein, and upon all of the other papers filed and proceedings had
herein, a motion, pursuant to CPLR 5015 and CPLR 6514 will be made in the Bronx County
Supreme Court, 851 Grand Concourse, Bronx, New York on April 9, 2013, at 9:30 a.m. of that
day or as soon thereafter as counsel can be heard for an Order Discontinuing the Action and
Canceling the Lis Pendens.

PLEASE TAKE FURTHER NOTICE that a proposed Order, a copy of which is being
served upon you with these motion papers, shall be presented to the Court for signature on the
return date of this motion.

DATED: Elmsford, New York
March 14 2013

By: Christopher Messina
Christopher Messina, Esq.
Knuckles, Komosinski & Elliot, LLP
Attorneys for Plaintiff
565 Taxter Road, Suite 590
Elmsford, New York 10523
(914) 345-3020

4/9
DA
Sub

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GMAC MORTGAGE, LLC,

Plaintiff,

-against-

Index No. 380678/12

ATTORNEY AFFIRMATION

TEDDY HALSTEAD, NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD; NEW YORK CITY PARKING VIOLATIONS
BUREAU; NEW YORK CITY TRANSIT ADJUDICATION BUREAU;
NEW YORK STATE DEPARTMENT OF TAXATION AND
FINANCE; "JOHN DOES" and " JANE DOES", said name being
fictitious, parties intended being possible tenants or occupants of
premises, and corporations, other entities or persons who claim, or may
claim, a lien against the premises

Defendants.
-----X

Christopher Messina, Esq., an attorney and counselor at law duly admitted to
practice in all of the Courts of the State of New York, affirms as follows under the penalty of
perjury:


1. That I am an associate with the law firm of Knuckles, Komosinski & Elliot, LLP, attorneys
for the Plaintiff in the above referenced matter, and as such am fully familiar with the facts and
circumstances herein.
2. That on June 21, 2012, a Summons, Complaint and Lis Pendens were filed with the Bronx
County Clerk for the foreclosure of a mortgage on property known as 872 East 216th Street,
Bronx, New York.
3. That no party has answered the Complaint or otherwise appeared, except:
 - a) a. Teddy Halstead, who appeared pro se.
4. That no application was made for the appointment of a Receiver of Rents and none was
appointed herein.
5. That no referee was appointed.
6. That this matter must now be discontinued because the Plaintiff is unable to verify that the
30/90 day letters were sent correctly so to avoid the possibility of impropriety Plaintiff has
elected to discontinue action.

7. That no previous request has been made for the relief requested herein.

WHEREFORE, I respectfully request an Order Discontinuing the Action, Canceling the Lis Pendens, and for such other and further relief as to the Court deems just, proper and equitable.

DATED: Elmsford, New York

March 14 2013

By: 
Christopher Messina, Esq.
Knuckles, Komosinski & Elliot, LLP
Attorneys for Plaintiff
565 Taxter Road, Suite 590
Elmsford, New York 10523
(914) 345-3020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
GMAC MORTGAGE, LLC,

INDEX NO. 380678/2012

-against-

AFFIDAVIT OF SERVICE

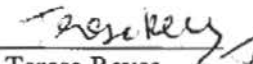
TEDDY HALSTEAD, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD; NEW YORK CITY PARKING VIOLATIONS BUREAU; NEW YORK CITY TRANSIT ADJUDICATION BUREAU; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; "JOHN DOES" and "JANE DOES", said name being fictitious, parties intended being possible tenants or occupants of premises, and corporations, other entities or persons who claim, or may claim, a lien against the premises

Defendants.
-----X

I, Teresa Reyes, being duly sworn, says; I am not a party to the action, am over 18 years of age and reside in Yonkers, New York.

On March 14 2013, I served the within copy of a Motion with Affirmation in Support, and Proposed Discontinuing Action, and Canceling Lis Pendens and Request for Judicial Intervention (RJI) by depositing a true copy thereof enclosed in a postage paid plain envelope, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed by first class mail to the following persons at the last known address set forth:

Teddy Halstead
872 East 216th Street
Bronx, New York 10467


Teresa Reyes

Sworn to before me this
14 day of March 2013


Notary Public

CHRISTOPHER MESSINA
Notary Public, State of New York
No. 02ME6265275
Qualified in Westchester County
Commission Expires July 9, 2016

Plaintiff,

-against-

Defendants.

TEDDY HALSTEAD; ET AL,

NOTICE OF MOTION DISCONTINUING ACTION AND CANCELING LIS PENDENS

KNUCKLES, KOMOSINSKI, & ELLIOTT, LLP

Attorneys for

Plaintiff

Office and Post Office Address, Telephone

565 TAXTER ROAD

SUITE 590

ELMSFORD, N.Y. 10523

TEL: (914) 345-3020

FAX: (914) 366-0080

To

Signature (Rule 130-1.1-a)



Print name beneath

Attorney(s) for

CHRISTOPHER MESSINA

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

at

M

of which the within is a true copy will be presented for
one of the judges

Dated,

Yours, etc.

KNUCKLES, KOMOSINSKI, & ELLIOTT, LLP

Attorneys for

To

Attorney(s) for

Office and Post Office Address

565 TAXTER ROAD

SUITE 590

ELMSFORD, N.Y. 10523